

UNITED STATES GOVERNMENT

MEMORANDUM

DATE: August 15, 2005

TO: Marlene H. Dortch
Secretary
Federal Communications Commission

FROM: Kenneth Burnley
Senior Counsel
Office of Homeland Security
Enforcement Bureau

Re: *Ex Parte* Meeting in the Matter of Review of the Emergency Alert System,
EB Docket No. 04-296

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AUG 15 2005

Federal Communications Commission
Office of the Secretary

This memorandum and one copy are being filed in accordance with Section 1.1206 of the Commission's rules.¹ On July 7, 2005, at the invitation of Commission staff, representatives of several satellite companies met at the Commission's Washington, D.C. headquarters to update the record in EB Docket No. 04-296, specifically to discuss the technical feasibility of EAS participation by satellite DBS and other direct-to-home providers. The meeting was organized by staff from the International Bureau's Satellite Division and the Enforcement Bureau's Office of Homeland Security. The following companies were represented at this meeting: DirecTV, EchoStar, Dominion Video Satellite, SES Americom, PanAmSat and Intelsat. Attachment A to this memorandum identifies the specific individuals who attended the meeting. A list of topics for discussion was distributed prior to the meeting and is attached to this memorandum as Attachment B.

In the *EAS Notice of Proposed Rulemaking*,² the Commission sought comment on whether it should adopt rules extending EAS obligations to digital broadcast media, including satellite services. In particular, the Commission sought comment on what burdens would be placed on these services by extending EAS obligations and whether the benefits outweigh the burdens.³ The Commission further sought comment on a number of technical issues. For example, if an EAS alert needed to be sent to an area on the border of a designated market area (DMA), where a DBS provider only provided local-into-local service in one DMA, satellite customers in the unserved DMA would not receive the signal. How would an EAS signal be fed to a DBS operator? While it could be sent over fiber to their local receive facility (LRF) where they offer local-into-local service, they would not have an LRF where they do not

¹ 47 C.F.R. § 1.1206.

² *Review of the Emergency Alert System*, Notice of Proposed Rulemaking, 19 FCC Rcd 15775, 15786, ¶29 (2004) ("*EAS Notice of Proposed Rulemaking*").

³ *Id.*

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provide local-into-local service. Similarly, how would DBS operators conduct testing, particularly on a national versus local level? Finally, to the extent that software updates were needed in set-top boxes, what would be an appropriate implementation time frame and how would operators transition legacy boxes that have already been deployed?⁴ The remainder of this memorandum summarizes the information that was shared at the July 7, 2005 meeting.

DirecTV

- Video and audio is combined in one stream and makes separation of two signals in the transmission stream very complex. Accordingly, for a DBS operator to be able to insert any EAS-type audio feed would take years and would be very expensive. Further, it would be extremely hard to re-route all incoming signals and replace them with a single signal such as a national EAS alert. For example, we would have to take the incoming datastream, decompress it, then again compress signal; however, there is not a lot of bandwidth to conveniently insert or substitute an audio signal.
- In addition, it is very difficult for the DBS provider/aggregator to insert an EAS signal because it is purely a “pass-through” system, *i.e.*, DBS providers merely pass through programming that it receives on the digital stream.
- Force tuning⁵ does not necessarily provide a solution. Our set top boxes are often purchased and owned by our customers and we cannot compel them to switch them out. If the solution is entirely a matter of a software redesign and reprogramming, then we have the capability but it is a matter of time, resources and money.
- A short text message can be sent to a group of set top boxes; however, we need to know the specific requirements before we can provide a solution to these requirements.
- Blackouts (*e.g.*, for regional sports broadcasts) require a couple of hours — usually overnight — for the operator to send a message to each set-top box telling it what geographic zone it is in. The sports broadcast is later encoded by the operator with a zone identification tag so that the box “knows” when to blackout a broadcast.
- Some customers receive signals from foreign-licensed satellites (*e.g.*, DirecTV’s Puerto Rico customers).

Dominion

- There is no way to interrupt the national feeds. To do so requires a tremendous rebuild. As far as text messaging is concerned, the costs for such a solution may be significant as indicated in EchoStar’s filed comments.
- The datastreams are uplinked together but follow separate paths. For alert messaging, the master control of the programmer is the realistic point of overriding the program signals. The set top

⁴ *Id.*

⁵ “Force tuning” technology allows a provider to switch subscribers from any programmed channel or stream to a specific channel or stream that will carry EAS messages.

boxes are constantly reconfiguring. Any interruption of the datastream causes problems with set-top boxes which thereafter requires resetting.

- Regarding a time frame to comply with any mandatory requirement, one estimate is three years but Dominion cautions that a revision of any signals should come from the programming source.
- Regarding state and local issues: satellite customers need to take responsibility to make themselves aware of other alternative alerting means.

EchoStar

- EchoStar has up to 2,000 programming streams coming into its earth stations for relay back to satellites and customers.
- Our legacy set-top boxes will not operate audio only. To implement or reconfigure, we would require a massive effort to redesign and reprogramming our systems.
- Regarding state and local issues: Our structure is organized by designated market areas (DMAs). There is only one single Primary Entry Point in each DMA. But every signal is downlinked to the entire DMA. We do not have a place or alternative point to generate and insert a separate stream in a non-affected area.
- Regarding non-English speaking customers, one problem is that some programming may initiate from a foreign source.

Intelsat

- Intelsat provides, among others services, direct-to-home (DTH) service. Intelsat notes that it has some uplink earth stations outside the United States. Intelsat asked how those uplink stations and foreign programmers would be able to receive an EAS signal, let alone transmit it.

Attachment A

Parties Attending Thursday, July 7, 2005 EB Docket No. 04-296 (Emergency Alert System)
Meeting with Satellite DBS/Direct-to-Home Providers

Attendees

Marvin Rosenberg, Holland & Knight, for Dominion Video Satellite, Inc.
Raymond LaRue, Vice President — Engineering, Dominion Video Satellite, Inc.
Peter Rohrbach, Hogan & Hartson, for SES Americom
Nancy Eskenazi, VP & Associate General Counsel, SES Americom
Stacy Fuller, DirecTV
Bill Wiltshire, Harris Wiltshire & Grannis, for DirecTV
Mark Neibert, Intelsat
John Card II, Systems Engineer, EchoStar Technologies Corporation
Ross Lieberman, EchoStar
Rhonda Bolton, Steptoe & Johnson, LLP, for EchoStar Satellite LLC

By Telephone

Jose Albequerque, PanAmSat (via telephone)
Frank Hironaka, DirecTV (by telephone)

Federal Communications Commission Staff

Gregory Cooke, Deputy Director, Office of Homeland Security, Enforcement Bureau
Jean Ann Collins, Senior Counsel, Office of Homeland Security, Enforcement Bureau
Kenneth Burnley, Senior Counsel, Office of Homeland Security, Enforcement Bureau
Shannon Lipp, Office of Homeland Security, Enforcement Bureau
Bonnie Gay, Office of Homeland Security, Enforcement Bureau
Sarah Alves, Office of Homeland Security, Enforcement Bureau
Richard Engelman, Chief Engineer, International Bureau
Chip Fleming, Satellite Division, International Bureau
Artie Lechtman, Satellite Division, International Bureau

Attachment B

EB Docket No. 04-296 (Emergency Alert System)

Meeting with Satellite DBS/Direct-to-Home Providers Thursday, July 7, 2005 at 2:00 p.m. Room 7-B516 (7 South)

In the August 2004 *EAS Notice of Proposed Rulemaking* (EB Docket No. 04-296), the Commission sought comment on whether it should adopt rules extending EAS obligations to digital broadcast media, including DBS and other satellite services. The Commission also addressed issues regarding how service providers can participate in state and local EAS activations. The Commission asked what burdens extending the EAS obligations would place on satellite services and raised a number of technical questions regarding satellite service participation in EAS. The following are topics and questions that we intend to explore during our conference Thursday.

Topics for Discussion

- What, if any, technical, economic or other burdens would mandatory participation in national level EAS activations impose on satellite DBS and direct-to-home providers?
- How could authorities deliver national EAS messages to satellite operators?
- Are satellite DBS and direct-to-home providers capable of delivering EAS messages on all channels? How could this be done? Are these providers capable of force tuning?
- Although satellite DBS and direct-to-home providers serve the public primarily on a nationwide, rather than regional, basis, the vast majority of EAS messages are state and local. How could state and local EAS messages be delivered to satellite operators? Could local receive facilities be used to assist in delivery of EAS messages to satellite operators?
- How can satellite systems be designed to distribute state and local EAS messages to the appropriate recipients?
- Is it true that EAS messages already on local channels can easily be, and in fact usually are, passed through to satellite service consumers receiving those local channels?
- To the extent that software updates in set top boxes or other equipment updates are needed to distribute EAS messages to the appropriate recipients, what would be an appropriate implementation time frame?